

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHERI KAMIEL,

Plaintiff,

-v-

HAI STREET KITCHEN CO. LLC, SAKURA DINING
CORPORATION, SUN JOON KIM, and DAISUKE
KAWAUCHI,

Defendants.

19 Civ. 5336 (PAE) (KHP)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received the parties' briefing on defendant Daisuke Kawauchi's motion to vacate the default judgment entered against him, Dkt. 49, which as of the date of this order remains in place. Dkts. 53, 56, 61. In the Court's view, the dispositive issue as to the merits of Kawauchi's claim is whether he did or did not work at Hai Street Kitchen Co. (or for the Sakura Dining Corporation), as of the date (June 27, 2019) when plaintiff Sheri Kamiel allegedly served him there, as such would determine whether he was served at his "actual place of business" under New York law. *See* N.Y. C.P.L.R. 308(2); Fed. R. Civ. P. 4(e).

The Court directs the parties to meet and confer promptly to arrange a plan for discovery as to that discrete issue only. Such discovery is to be completed by December 23, 2021. The parties are to submit a joint letter to the Court by December 3, 2021 setting out the discovery plan they have negotiated.

SO ORDERED.

A handwritten signature in blue ink, reading "Paul A. Engelmayer". The signature is written in a cursive style with a horizontal line underneath it.

Paul A. Engelmayer
United States District Judge

Dated: November 30, 2021
New York, New York